

DOMESTIC RELATIONS
INSTRUCTIONS FOR APPLICATION FOR FREE PROCESS
For Petitioners

If you are "indigent" you may ask the Court to waive filing fees, service of process fees, and other fees that you must pay when filing a legal action. If the Court waives fees for you, you have been granted "free process". To determine whether you qualify for free process, the Court reviews your application in light of the Federal Poverty Guidelines. If you fall within those guidelines, you will be granted free process. Depending upon your income, assets, and obligations, the Court may waive all of the required fees, or part of the required fees.

1. **APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY**

Using the form with the heading "Application for Free Process and Affidavit of Indigency" in this packet, complete the caption:

A. In the blank provided, write in what County you reside in. Legal actions must be filed in the County where you reside.

B. In the blank provided, write in the name of the Court where you are filing your Application. If you reside in Bernalillo County, the court is the "Second Judicial District Court". Do not write anything in the blank next to "No. ". The court clerk will assign this number when your application is filed.

C. In the blank provided, write in your name as the person who will be filing the legal action. That person is the "Petitioner".

D. In the blank provided, write in the name of the person or persons you are suing. That person (or persons) is the "Respondent".

E. Read the form carefully and fill in the rest of the blanks in the form. You must fill in the form completely. Do not omit information. Do not skip any sections. When an explanation for your answer is required, be sure to give a complete explanation. Lack of sufficient information is the most common reason the Court denies applications for free process. Be complete!

F. On the last page of the application, indicate your address and telephone number. If you do not have a telephone, write "none". Make sure you check the blank to indicate that you are the Petitioner. If you do not have an attorney, check the blank to indicate that you are "pro se" (which means that you do not have an attorney). **DO NOT SIGN THE FORM UNTIL YOU ARE WITH THE NOTARY.**

G. This form **MUST** be notarized. Enter the State and County in the blanks provided in the notary section. Sign your name on the signature block on the last page before a notary. Be prepared to show a picture ID to the Notary. Notary service is available in the Domestic Relations Clerks Office, Room 240 of the courthouse or in the Civil/Criminal Clerks Office, Room 119 of the courthouse. You may also go to any available notary public.

2. ORDER ON APPLICATION FOR FREE PROCESS

- A. On the Order on Application for Free Process, you are only responsible for completing the caption. Write in the Petitioner(s) and Respondent(s) names exactly the same as it appears on the Application for Free Process.
- B. In blank provided for "No.", write in the case number that was assigned by the court clerk.
- C. DO NOT WRITE IN ANYTHING ELSE. The judge will fill in the rest of the Order.

3. IF YOU ARE REPRESENTED BY AN ATTORNEY IN THIS CASE

If you are represented by an attorney in this case, ask your attorney to fill out an "ATTORNEY'S AFFIDAVIT SUPPORTING INDIGENCY". This form is only required if you are represented by an attorney.

4. PROCESSING AND FILING YOUR APPLICATION AND ORDER

- A. Take your completed Application and Order packet to the Family Court Information Desk along with the Petition or Motion you wish to file. The Family Court Information Desk is located On the Second Floor of the Bernalillo County Courthouse, at 400 Lomas Blvd. NW, and is open between the hours of 8:00 a.m. - 12:00 noon and 1:00 p.m. - 5:00 p.m., Monday through Friday. You will leave your completed packet with the information desk clerk. That clerk will send the packet to the assigned judge for review and approval (or denial).
- B. Wait five (5) business days to check whether the judge approved your Order on Application for Free Process. Return to the Family Court Information Desk and ask for your packet. Once you have received your packet, be sure to carefully read your free process Order. The judge may decide to waive all of your fees or only a part of your fees, or, the judge may deny your request. Read your Order carefully to determine whether you must pay some, or none, or all of the court fees. Other costs normally not covered by free process are listed at the bottom of the Order.
- C. Although your Order for free process might include waiver of the service of process fee charged by the Sheriff within Bernalillo County, YOU are responsible for arranging for that service with the Sheriff's Office.
- D. If the judge did not grant your Order for Free Process, you must pay the full filing fee before you can file your petition or motion.

DOMESTIC RELATIONS
INSTRUCTIONS FOR APPLICATION FOR FREE PROCESS
For Respondents

If you are "indigent" you may ask the Court to waive filing fees, service of process fees, and other fees that you must pay when filing a legal action. If the Court waives fees for you, you have been granted "free process". To determine whether you qualify for free process, the Court reviews your application in light of the Federal Poverty Guidelines. If you fall within those guidelines, you will be granted free process. Depending upon your income, assets, and obligations, the Court may waive all of the required fees, or part of the required fees.

1. **APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY**

Using the form with the heading "Application for Free Process and Affidavit of Indigency" in this packet, complete the caption by duplicating the caption on the legal action that has already been filed in this matter:

A. In the blanks provided, write in the County , the Court, the case number, the Petitioner's name, and the Respondent's name (yours) exactly as they are indicated on the legal action that you are party to.

B. Read the form carefully and fill in the rest of the blanks in the form. You must fill in the form completely. Do not omit information. Do not skip any sections. When an explanation for your answer is required, be sure to give a complete explanation. Lack of sufficient information is the most common reason the Court denies applications for free process. Be complete!

C. On the last page of the application, indicate your address and telephone number. If you do not have a telephone, write "none". Make sure you check the blank to indicate that you are the Respondent. If you do not have an attorney, check the blank to indicate that you are "pro se" (which means that you do not have an attorney). **DO NOT SIGN THE FORM UNTIL YOU ARE WITH THE NOTARY.**

D. This form **MUST** be notarized. Enter the State and County in the blanks provided in the notary section. Sign your name on the signature block on the last page before a notary. Be prepared to show a picture ID to the Notary. Notary service is available in the Domestic Relations Clerks Office, Room 240 of the courthouse or in the Civil/Criminal Clerks Office, Room 119 of the courthouse. You may also go to any available notary public.

2. **ORDER ON APPLICATION FOR FREE PROCESS**

A. On the "Order on Application for Free Process", you are only responsible for completing the caption. Write in the caption exactly as it appears on the legal action in which you intend to file a motion. This should be exactly the same as the caption appears on the Application for Free Process.

B. In blank provided for "No.", write in the case number that was previously assigned by the court clerk.

C. **DO NOT WRITE IN ANYTHING ELSE.** The judge will fill in the rest of the Order.

3. IF YOU ARE REPRESENTED BY AN ATTORNEY IN THIS CASE

If you are represented by an attorney in this case, ask your attorney to fill out an "ATTORNEY'S AFFIDAVIT SUPPORTING INDIGENCY". This form is only required if you are represented by an attorney.

4. PROCESSING AND FILING YOUR APPLICATION AND ORDER

A. Take your completed Application and Order packet to the Family Court Information Desk along with the Motion you wish to file. The Family Court Information Desk is located on the Second Floor of the Bernalillo County Courthouse, at 400 Lomas Blvd. NW, and is open between the hours of 8:00 a.m. - 12:00 noon and 1:00 p.m. - 5:00 p.m., Monday through Friday. You will leave your completed packet with the information desk clerk. That clerk will send the packet to the assigned judge for review and approval (or denial).

B. Wait five (5) business days to check whether the judge approved your Order on Application for Free Process. Return to the Family Court Information Desk and ask for your packet. Once you have received your packet, be sure to carefully read your free process Order. The judge may decide to waive all of your fees or only a part of your fees, or, the judge may deny your request. Read your Order carefully to determine whether you must pay some, or none, or all of the court fees. Other costs normally not covered by free process are listed at the bottom of the Order.

C. Although your Order for free process might include waiver of the service of process fee charged by the Sheriff within Bernalillo County, YOU are responsible for arranging for that service with the Sheriff's Office.

D. If the judge did not grant your Order for Free Process, you must pay the full filing fee before you can file your motion.